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**STATE OF WASHINGTON
DEPARTMENT OF FINANCIAL INSTITUTIONS
DIVISION OF CONSUMER SERVICES**

IN THE MATTER OF DETERMINING
Whether there has been a violation of the
Mortgage Broker Practices Act of Washington by:

EMERALD FINANCIAL, INC., and
AMIRA ATAN MOORE, OWNER AND
DESIGNATED BROKER,

Respondents.

NO. C-06-107-06-SC01

STATEMENT OF CHARGES and
NOTICE OF INTENTION TO ENTER
AN ORDER TO REVOKE LICENSE, COLLECT
ANNUAL ASSESSMENT, IMPOSE FINE, PROHIBIT
FROM INDUSTRY, AND COLLECT
INVESTIGATION FEE

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INTRODUCTION

Pursuant to RCW 19.146.220 and RCW 19.146.223, the Director of the Department of Financial Institutions of the State of Washington (Director) is responsible for the administration of chapter 19.146 RCW, the Mortgage Broker Practices Act (Act). After having conducted an investigation pursuant to RCW 19.146.235, and based upon the facts available as of July 21, 2006, the Director institutes this proceeding and finds as follows:

I. FACTUAL ALLEGATIONS

1.1 Respondents.

A. **Emerald Financial Inc.** (Respondent Emerald Financial) was licensed by the Department of Financial Institutions of the State of Washington (Department) to conduct business as a mortgage broker on March 31, 2003, and has continued to be licensed to date. Respondent Emerald Financial is licensed to conduct the business of a mortgage broker at 1102 Bronson Way, Renton, WA 98055.

B. **Amira Atan Moore** (Respondent Moore) is president and designated broker of Respondent Emerald Financial. Respondent Moore was named Designated Broker of Respondent Emerald Financial, on March 31, 2003, and has continued as Designated Broker to date.

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2 **1.2 Failure to Pay Annual Assessment.** An annual assessment fee for each license is due to the
3 Department no later than the last business day of March for the year then ended. To date, the Department has
4 not received the following annual assessment due from Respondents, totaling \$530.86. Payment of the annual
5 assessment of \$530.86 for the year ended March 2006 was due to the Department no later than the last business
6 day of March 2006. In addition, payment of the annual assessment of \$530.86 for the year ended March 2007
7 will be due to the Department no later than the last business day of March 2007.

8 **1.3 Failure to Maintain Bond.** On January 26, 2006, the Department received notice from North
9 American Specialty Insurance Company and Washington International Insurance Company that Respondent
10 Emerald Financial's surety bond would be cancelled effective February 6, 2006. To date, Respondents have
11 failed to notify the Department of the cancellation of the surety bond and have failed to provide the required
12 surety bond or an approved alternative.

13 **1.4 Failure to Respond to Directive.** On January 31, 2006, the Department sent Respondents a directive
14 requiring Respondents to provide the Department with evidence of a current bond. On February 10, 2006, the
15 Department sent a second directive requiring Respondents to provide the Department with evidence of a current
16 bond. Respondents did not comply with either directive. On April 21, 2006, the Department sent Respondents
17 a letter directing the Respondents to provide evidence of a current bond. To date, Respondents have failed to
18 comply with these directives. Nor have Respondents contacted the Department or responded to the
19 Department's communications.

20 **1.5 Failure to Notify Department of Significant Developments.** As stated in paragraph 1.3 to date,
21 Respondents have not notified the Department of the cancellation of Respondent Emerald Financial's surety
22 bond.

23 **1.6 On-Going Investigation.** The Department's investigation into the alleged violations of the Act by
24 Respondents continues to date.
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II. GROUNDS FOR ENTRY OF ORDER

2.1 Requirement to Pay Annual Assessment. Based on the Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.228(1), WAC 208-660-060(3), and WAC 208-660-061 for failing to pay to the Director an annual assessment fee no later than the last business day of the month in which the anniversary date of the issuance of the mortgage broker's license occurs.

2.2 Requirement to Maintain Surety Bond. Based on the Factual Allegations set forth in Section I above, Respondents are in apparent violation of RCW 19.146.205(4)(a),(b) and (c), and WAC 208-660-080(1) for failing to file and maintain a surety bond or approved alternative with the Department.

2.3 Requirement to Notify Department of Significant Developments. Based on the Factual Allegations set forth in Section I above, Respondents are in apparent violation of WAC 208-660-150(1)(e) for failing to notify the Director in writing within thirty days after receipt of notification of cancellation of the licensee's surety bond.

2.4 Authority to Revoke License. Pursuant to RCW 19.146.220(2)(b)(ii), and WAC 208-660-160, the Director may revoke a license for failure to pay a fee required by the Director, or maintain the required bond, or failure to comply with a directive or order of the Director.

2.5 Authority to Impose Fine. Pursuant to RCW 19.146.220(2)(c)(i) and WAC 208-660-165, the Director may impose fines on a licensee, employee or loan originator of the licensee, or other person subject to the Act for any violations of RCW 19.146.205(4), or failure to comply with a directive or order of the Director.

2.6 Authority to Prohibit from the Industry. Pursuant to RCW 19.146.220(2)(e)(i), the Director may issue orders removing from office or prohibiting from participation in the conduct of the affairs of a licensed mortgage broker, or both, any officer, principal, employee, or loan originator of any licensed mortgage broker or any person subject to licensing under the Act for any violation of RCW 19.146.205(4), or failure to comply with a directive or order of the Director.

1 **2.7 Authority to Collect Investigation Fee.** Pursuant to RCW 19.146.228(2), WAC 208-660-060(4) and
2 WAC 208-660-061, upon completion of any investigation of the books and records of a licensee or other person
3 subject to the Act, the Department will furnish to the licensee or other person subject to the Act a billing to
4 cover the cost of the investigation. The investigation charge will be calculated at the rate of forty-seven dollars
5 and seventy-eight cents (\$47.78) per hour that each staff person devoted to the investigation.

6 **III. NOTICE OF INTENTION TO ENTER ORDER**

7 Respondents' violations of the provisions of chapter 19.146 RCW and chapter 208-660 WAC, as set forth
8 in the above Factual Allegations and Grounds for Entry of Order, constitute a basis for the entry of an Order under
9 RCW 19.146.220, RCW 19.146.221, and RCW 19.146.223. Therefore, it is the Director's intention to ORDER
10 that:

- 11 **3.1** Respondent Emerald Financial's license to conduct the business of a mortgage broker be revoked.
- 12 **3.2** Respondents Emerald Financial and Amira Moore jointly and severally pay the cumulative delinquent
13 main office Annual Assessments due through March 2006, totaling \$530.86 as calculated in paragraph 1.2.
14 Additionally, Respondents Emerald Financial and Amira Moore jointly and severally pay the \$530.86 main
15 office Annual Assessment for the year ending March 2007 no later than the last business day of March
16 2007.
- 17 **3.3** Respondents Emerald Financial and Amira Moore jointly and severally pay a fine of \$3750 for:
18 **a.** Violating RCW 19.146.205(4), calculated at \$75 per day for 30 days.
19 **b.** Violating RCW 19.146.235, calculated at \$50 per day for 30 days.
- 20 **3.4** Respondent Amira Moore be prohibited from participation in the conduct of the affairs of any mortgage
21 broker subject to licensure by the Director, in any manner, for a period of five(5) years; and
- 22 **3.5** Respondents Emerald Financial and Amira Moore jointly and severally pay an investigation fee in the
23 amount of \$95.56 calculated at \$47.78 per hour for the two (2) staff hours devoted to the investigation.

24 **IV. AUTHORITY AND PROCEDURE**

25 This Statement of Charges and Notice of Intention Enter an Order to Revoke License, Collect Annual
Assessment, Impose Fine, Prohibit from Industry, and Collect Investigation Fee (Statement of Charges) is
entered pursuant to the provisions of RCW 19.146.220, RCW 19.146.221, RCW 19.146.223 and
RCW 19.146.230, and is subject to the provisions of chapter 34.05 RCW (The Administrative Procedure Act).

1 request for a hearing as set forth in the NOTICE OF OPPORTUNITY TO DEFEND AND OPPORTUNITY
2 FOR HEARING accompanying this Statement of Charges.

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4 Dated this 21st day of July, 2006.

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CHUCK CROSS
Director
Division of Consumer Services
Department of Financial Institutions

8 Presented by:

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11 David Sorenson
12 Financial Legal Examiner

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14 Approved by:

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16 JAMES R. BRUSSELBACK
17 Enforcement Chief

